

ARC-144661-2

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 08 2005

In re application of: Bishun N. Khare and Meyya Meyyappan

Filed: April 5, 2004

Group No.: Unknown

Serial No.: 10/828,524

Examiner: Unknown

For: "Functionalization Of Carbon Nanotubes"

Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 Fax: (703) 872-9306

**PETITION FOR ACCEPTANCE OF UNINTENTIONALLY DELAYED CLAIM
 FOR THE BENEFIT OF PRIOR FILED NONPROVISIONAL APPLICATION [37
 CFR 1.78(a)(3)]**

The time period for claiming the benefit of a prior filed nonprovisional application to the above-identified continuation-in-part application has lapsed. The time period for claiming the priority benefit is within the latter of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed nonprovisional application.

Prior Filed Nonprovisional Application No. 10/320,698

Filing Date December 13, 2002

**APPLICANT HEREBY PETITIONS FOR ACCEPTANCE OF A CLAIM FOR BENEFIT OF A
 PRIOR FILED NONPROVISIONAL APPLICATION TO THIS CONTINUATION-IN-PART
 APPLICATION**

A grantable petition requires the following items:

07/12/2005 BABRAHAI 00000053 140116 10828524

- (1) Petition Fee 01 FC:1454 1370.00 DA
- (2) Reference required by 37 CFR 1.78(a)(5)
- (3) Statement that the entire delay was unintentional.

1. Petition fee and payment

- Other than small entity – fee \$1370.00 (37 CFR 1.17(t))
- Please charge \$1370.00 to Deposit Account No. 14-0116. A duplicate of this paper is attached.
- Please charge any additional fees necessary to effect this petition and/or deposit any overpayment to Deposit Account No. 14-0116.

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2. Reference required by 37 CFR 1.78(a)(5)

 The following reference is submitted in a substitute specification:

This application claims the benefit of U.S. Nonprovisional Application No. 10/320,698, filed December 13, 2002.

3. STATEMENT: The entire delay in claiming priority to the nonprovisional application from the filing date of the continuation-in-part application to the filing of a grantable petition under 37 CFR 1.78(a)(6) was unintentional.

John F. Schipper
Signature08 July 2005

Date

John F. Schipper

Typed or printed name

26,994

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Address

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence comprising:

Transmittal Form (1 page)

Petition to Accept Unintentionally Delayed Priority Claim (2 pages)

Substitute Specification (pages)

is being:

 Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Transmitted by facsimile on the date shown to the United States Patent and Trademark Office as (703) 872-9306.07/08/2005
DateVickie L. Kent
SignatureVickie L. Kent

Typed or printed name of person signing certificate